

Service Date: March 3, 2004

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF)	UTILITY DIVISION
Tariff Transmittal QLDC02-01)	
by Qwest Long Distance Corporation)	DOCKET NO. D2002.12.153
Initial Tariff and Price List for Qwest)	
Long Distance Corporation)	ORDER NO. 6479e

PROTECTIVE ORDER

On January 9, 2004, Qwest Long Distance Corporation (“Qwest” or “QLD”) filed a Motion for Protective Order to govern certain information expected to be filed in the above-entitled proceeding.

QLD requests protection of information relating to:

- 1) The number of customers taking various QLD service offerings; and
- 2) Information related to the customers’ utilization of service, including minutes of use under each of the QLD offerings;

QLD has submitted the affidavit of Sharon Alvarado, Staff Advocate with Qwest Services Corporation, in support of the motion. QLD argues that the identified information is trade secret in accordance with § 30-14-402(4), MCA.

The PSC determines that QLD has shown good and sufficient cause in fact and in law that the information for which protection is requested is entitled to protection from uncontrolled public disclosure pursuant to § 69-3-105, MCA, and in accordance with the analysis set forth in *The Great Falls Tribune v. Montana Public Service Commission et al*, 2003 MT 359 (December 18, 2003). Therefore, the PSC grants the QLD’s request and hereby orders that information submitted be treated as “confidential information” under the terms of this Order and PSC protective order rules, ARM 38.2.5001 through 38.2.5030. This Order is issued subject to modification, if, in accordance with the Court’s holding in the *Great Falls Tribune* decision, Commission direction so requires. Any modification to the Order will be preceded by notice to QLD and will allow an opportunity to be heard on the matter. Additional process and

modification of this order, if any, will be entered subject to QLD's opportunity to appeal or challenge the additional process or modification.

IT IS THEREFORE ORDERED that QLD's motion for a protective order is granted.

DONE AND DATED this 26th day of February, 2004, by a vote of 5 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

NOTE: There is no reconsideration of the granting of a protective order. There is a procedure to challenge the provider's claim of confidentiality. See ARM 38.2.5008.

Montana Public Service Commission
Protective Orders and Protection of Confidential Information

Nondisclosure Agreement

(7-26-00)
ARM 38.2.5012

Docket No. D2002.12.153, Order No. 6479e
Order Action Date: March 3, 2004

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

Typed or Printed Name

Signature

Date of Signature

Business Address:

Employer

Party Represented